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# San Diego City Attorney MICHAEL J. AGUIRRE

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## NEWS RELEASE

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### **PACIFIC BEACH BAR OWNERS ORDERED TO PAY \$10,000 IN CIVIL PENALTIES FOR PUBLIC NUISANCE THAT INCLUDED OVER-SERVING ALCOHOL TO PATRONS**

*Joint Effort by City Attorney's Office and San Diego Police Department*

**San Diego, CA:** The owners of Margarita Rocks, a local Pacific Beach Bar, are under a court order to reduce music and noise levels, maintain a "Do Not Admit" list of problem individuals, support designated driver and taxi-ride programs, increase security staffing, and take extra precautions to avoid over-serving of alcohol to patrons. Pursuant to his order, San Diego Superior Court Judge Jeffrey Barton also assessed civil penalties in the amount of \$10,000 against the owners. It is the first civil action taken against a nightclub in Pacific Beach.

City Attorney Michael Aguirre praised the joint efforts by the Drug Abatement Response Team (DART), the City's inter-departmental task force comprised of the City Attorney's DART prosecutors and the San Diego Police Department's Northern Division.

"We hope this sends a loud and clear message to other bar and nightclub owners that they need to operate their businesses in a responsible, lawful manner or face the consequences," said City Attorney Aguirre.

In February 2004, San Diego Police Department Chief William Lansdowne announced an initiative to address the problems associated with the over-serving of alcoholic beverages at various Pacific Beach bar and nightclubs.

"Problem establishments like Margarita Rocks create a tremendous drain on limited law enforcement resources which negatively impacts the rest of the community," said Chief Lansdowne.

The complaint was filed by the City Attorney's Office on January 24, 2005. According to Deputy City Attorney Kenneth So, the complaint alleged that Margarita Rocks engaged in unfair and/or unlawful business practices and maintained a public nuisance. The complaint further alleged that Margarita Rocks routinely and

indiscriminately over-served alcoholic beverages to patrons; actively encouraged a drunken “high energy” atmosphere through the combination of loud music, drink specials, theme nights, provocative female employees dancing on table tops; and failed to properly regulate and control the activities at the establishment which then spilled over into the surrounding community.

“Patrons were getting extremely intoxicated at Margarita Rocks and were sometimes passing out in the middle of the street or sidewalk,” said Sergeant Patrick Vinson who often encountered these individuals as part of his duties with the Northern Division Beach Team. “Many times, they would get into fights over trivial things and end up with a bottle getting smashed over their head or getting stabbed in the back and being taken to the hospital.”

Through a variety of civil and criminal remedies, DART’s mission is to comprehensively address properties that have become a public nuisance due to the presence of drugs, prostitution, gangs, and other criminal activity occurring there.

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